



PLANNING COMMISSION AGENDA SYNOPSIS

Wednesday, January 14, 2004

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Jay James, Chair
Bob Levy, Vice-Chair

Xavier Campos Bob Dhillon
Christopher Platten
John G. Zamora James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Jay James** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **January 14, 2004**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

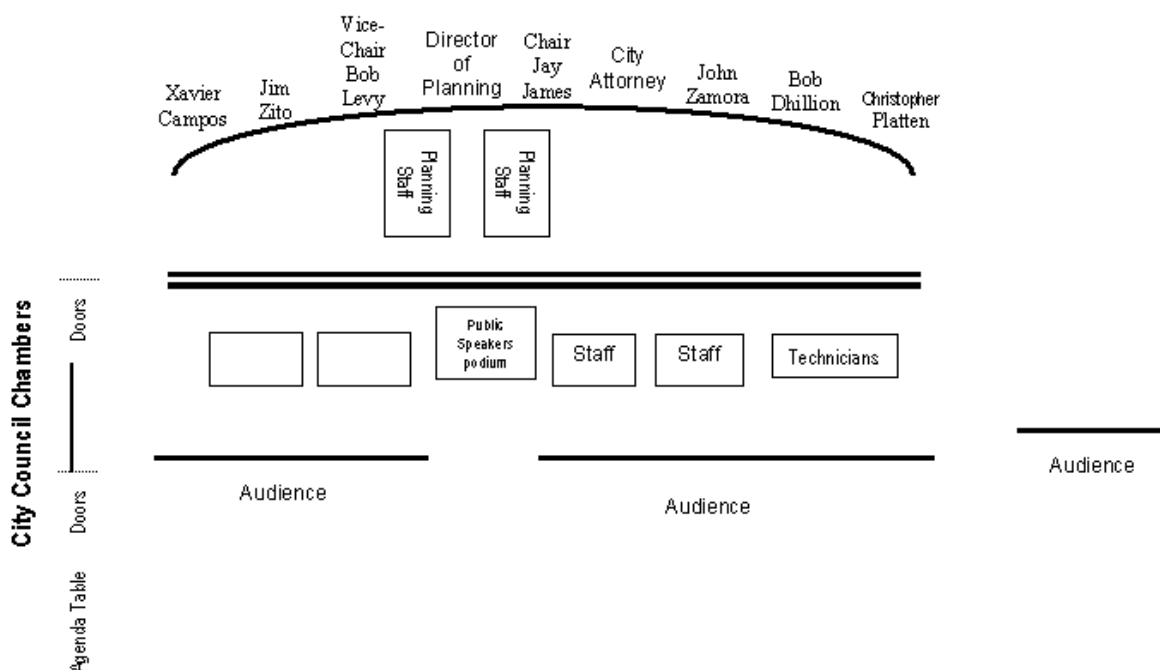
- ? After the staff report, applicants and appellants may make a 5-minute presentation.
- ? The chair will call out names on the submitted speaker cards in the order received.
- ? As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- ? After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- ? Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda changes, please contact Linda LaCount (linda.lacount@ci.sj.ca.us).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA

ORDER OF BUSINESS

1. ROLL CALL

ALL WERE PRESENT.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. PDC03-064. PLANNED DEVELOPMENT REZONING from R-M Multi-Family Residence District to A(PD) Planned Development Zoning District to allow up to three single-family detached residences on a 0.64 gross acre site located at/on the east side of Minnesota Avenue approximately 490 feet southerly of Dorothy Avenue (586 MINNESOTA AV) (Buchholz Ron, Owner). Council District 6. SNI: None. CEQA: Exempt, File No. PDC03-063.

DEFERRED TO 1-28-04.

- b. RCP03-033. CONDITIONAL USE PERMIT to allow a drinking establishment with live entertainment, pool tables, and after-midnight use till 2:00am on a 0.10-acre site in the CG Commercial General Zoning District, located on the west side of South First Street at the Montgomery Hotel (417 South First Street). (Jacek Rosicki, Owner/Applicant). Council District: 3. CEQA: Resolution No. 68839.

DEFERRED TO 1-28-04.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. CP03-066. CONDITIONAL USE PERMIT to allow the sale of alcoholic beverages for off-site consumption at an existing commercial building on a 0.24-acre site in the CP Pedestrian Commercial Zoning District, located on the south side of De Mille Drive approximately 150 feet easterly of Saratoga Avenue (4180 De Mille Drive) (Kovalik Trust, owner; Natalia Napady, applicant). Council District: 1. SNI: Blackford. CEQA: Exempt.

APPROVED (6-1-0; CAMPOS OPPOSED). PULLED FROM CONSENT BY COMMISSIONER CAMPOS. STAFF CLARIFIED ALL ALCOHOL SALES ARE PERMITTED BY LAND USE PERMIT, AND ABC PERMIT CAN SPECIFY BEER AND WINE ONLY.

- b. CP00-075. CONDITIONAL USE PERMIT to allow the removal of a mobile trailer and church classroom building totalling 3,500 square feet in size and the construction of one 4,800 square foot two-story classroom/fellowship hall to be used by the existing church on a 0.75 gross-acre site in the R-1-8 Residential Zoning District located at the southeast corner of Whitton Avenue and South 31st Street (1500 Whitton Avenue) (Ramon Perez, Owner). Council District 05. SNI: Gateway East. CEQA: Exempt.

APPROVED (7-0).

- c. RCP03-031. CONDITIONAL USE PERMIT to allow an eating and drinking establishment (Blue Tattoo) with live entertainment and after-midnight use till 2:00am at an existing commercial building on a 0.08-acre site in the CG Commercial General Zoning District, located on the south side of West Saint John (170 West Saint John Street). (John Snell, Owner; Aimee Escobar, Applicant). Council District: 3. CEQA: Resolution No. 68839.

APPROVED (7-0).

- d. RCP03-032. CONDITIONAL USE PERMIT to allow an eating and drinking establishment with live entertainment and after-midnight use till 2:00am on a 0.70-acre site CG Commercial General Zoning District, located on the west side of South First Street (211 South First Street). (Montgomery Hotel Group, Owner; Timothy Harmon, Applicant). Council District: 3. CEQA: Resolution No. 68839.

APPROVED (7-0).

- e. VACATION OF A STORM DRAIN EASEMENT. Vacation of an existing 60-foot wide storm drain easement on the northwest corner of Almaden Avenue and Woz Way to facilitate the construction of an office building over a new easement (Boston Properties, Owner). Council District 3. CEQA: Resolution Nos. 64273 and 68830

RECOMMEND APPROVAL (7-0).

- f. PDC03-079. PLANNED DEVELOPMENT REZONING from IP Industrial Park Zoning District to IP(PD) Planned Development Zoning District on a 4.74 gross acre site, located on the north side of Ringwood Court approximately 900 feet northerly of McKay Drive (Ralph Borelli, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration

RECOMMEND APPROVAL (7-0).

The following items are considered individually.

4. PUBLIC HEARINGS

- a. PDC03-054. PLANNED DEVELOPMENT REZONING from CP Pedestrian and CO Commercial Office Zoning Districts to A(PD) Planned Development Zoning District to allow demolition of a single-family residence and a commercial building and to allow up to 13,500 square feet of commercial uses with drive-through pharmacy (Longs Drug) on a 0.95 gross acre site, located on the northeast corner of Rhodes Court and The Alameda (849 The Alameda)(John Boccardo Trustee, et al, Leanne Rees, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

RECOMMEND APPROVAL (6-0-1; ZAMORA ABSENT). PUBLIC CONCERN WITH COMMERCIAL BUSINESS PARKING REPLACING A SINGLE-FAMILY RESIDENCE. STAFF AND APPLICANT CLARIFIED EXISTING CONDITION OF “CUT THROUGH” TRAFFIC FROM CLEAVES TO RHODES COURT. PUBLIC WORKS STATED WILL WORK WITH DEPARTMENT OF TRANSPORTATION AND CALTRANS TO MONITOR TRAFFIC, AND THAT THE CITY IS ALREADY WORKING TOWARD TRAFFIC CALMING ON THE ALAMEDA NBD.

- b. CP03-042. WIRELESS - CONDITIONAL USE PERMIT to allow a 10-foot extension to an existing 50-foot monopole for the installation of 3 panel wireless-antennas on a 6.55 gross-acre site in the CP Pedestrian Commercial Zoning District located at/on northwest corner of Almaden Expressway and Via Valiente (6950 Almaden Expressway) (J W Delora Sanfilippo Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt.

DEFERRED TO 1-28-04.

- c. The project being considered is located at/on the west side of Senter Road approximately 300 feet southerly of Capitol Expressway (3167 Senter Road). The proposed project would allow construction of a 6,000 square-foot building and a 3,260 square-foot building for religious assembly uses and off-site parking for a 1.4 gross acre site in the CP Pedestrian Commercial Zoning District (South Side Church Of Christ Of San Jose, Owner; Cryy Out Christian Fellowship, Developer). Council District 7. SNI: None. CEQA: Exempt. Deferred from 12-10-03.
1. CP03-023. CONDITIONAL USE PERMIT to allow construction of a 6,000 square-foot building and a 3,260 square-foot building for religious assembly uses
 2. SP03-037. SPECIAL USE PERMIT to allow off-site parking.

APPROVED (7-0). STAFF CLARIFIED EMERGENCY ACCESS ONLY ONTO CAPITOL AVENUE, AND APPLICANT CLARIFIED PROPOSED PEDESTRIAN SHUTTLE MANAGEMENT. APPLICANT WILL USE PROFESSIONAL “AIRPORT BUS” TYPE SHUTTLE SERVICE TO TRANSFER COMMUNITY MEMBERS FROM SCHOOL PARKING LOT TO FELLOWSHIP HALL, AND WILL USE PARKING MONITORS.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

NO COMMENTS.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NO REPORT.

7. GOOD AND WELFARE

- a. Report from City Council

CITY COUNCIL APPROVAL OF GRANITE ROCK CONDITIONAL USE PERMIT PREVIOUSLY DENIED BY PLANNING COMMISSION.

- b. Commissioners' reports from Committees:

? Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).

NO REPORT GIVEN.

? Coyote Valley Specific Plan (Platten)

COMMISSIONER PLATTEN NOTED TASK FORCE HEARD PRESENTATIONS BY CONSULTANTS.

- c. Review of synopsis.

1-28-04 STUDY SESSION MOVED TO 2-4-04 WITH THE 1-28-04 PUBLIC HEARING TO BEGIN AT 7:30 P.M. DUE TO CONFLICT WITH MAYOR STATE OF THE CITY ADDRESS AT 5:30 P.M. 2-9-04 GENERAL PLAN HEARING TO BEGIN AT 7:00 P.M.

8. ADJOURNMENT

2004 PLANNING COMMISSION MEETING SCHEDULE

January 28	4:30 p.m.	Study Session	Room 400
		Review of the General Plan	
January 28	7:30 p.m.	Regular Meeting	Council Chambers
February 4	4:30 p.m.-6:00pm	<i>Study Session</i>	Room 400
		<i>Review of the Economic Development Strategy/Fiscal Impact Study</i>	
February 9	6:00 p.m. 7:00p.m.	General Plan Hearing	Council Chambers
February 11	6:00 p.m.	Regular Meeting	Council Chambers
February 25	6:00 p.m.	Regular Meeting	Council Chambers
March 10	6:00 p.m.	Regular Meeting	Council Chambers
March 24	6:00 p.m.	Regular Meeting	Council Chambers
April 14	4:30 p.m.	<i>Study Session</i>	Room 400
		<i>Review of the General Plan</i>	
April 14	6:00 p.m.	Regular Meeting	Council Chambers
April 26	6:00 p.m.	General Plan Hearing	Council Chambers
April 28	6:00 p.m.	Regular Meeting	Council Chambers
May 12	6:00 p.m.	Regular Meeting	Council Chambers
May 26	6:00 p.m.	Regular Meeting	Council Chambers
June 9	6:00 p.m.	Regular Meeting	Council Chambers
June 23	6:00 p.m.	Regular Meeting	Council Chambers
July 14	6:00 p.m.	Regular Meeting	Council Chambers
July 26	6:00 p.m.	General Plan Hearing	Council Chambers
July 28	6:00 p.m.	Regular Meeting	Council Chambers
August 11	6:00 p.m.	Regular Meeting	Council Chambers
August 25	6:00 p.m.	Regular Meeting	Council Chambers
September 8	6:00 p.m.	Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers

STAFF RECOMMENDATIONS for PLANNING COMMISSION MEETING:
January 14, 2004

1. Roll Call
2. Deferrals
 - a. 1-28-04
 - b. 1-28-04
3. Consent Calendar
 - a. +
 - b. +
 - c. +
 - d. +
 - e. Recommend approval
 - f. Recommend approval
4. Public Hearings
 - a. Recommend approval
 - b. Defer to 1-28-04
 - c. +
5. Petitions and Communications
6. Referrals from City Council, Boards, Commissions or Other Agencies
7. Good and Welfare
 - c. Discuss
8. Adjournment

Legend: + = *approval*
- = *denial*